

REMARKS:

Claims 1 to 39 are in the application, with claim 1 having been amended and claims 14 to 39 having been added. Claim 1, 14 and 27 are the independent claims herein.

Reconsideration and further examination are respectfully requested.

Claims 1 to 13 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 5,896,373 (Mitts) in view of U.S. Patent No. 5,991,345 (Ramasastry). Applicant has amended claim 1.

Claim 1 recites a method including steps of wirelessly sending a message from a base station controller to at least one customer premises equipment. The base station controller is capable of controlling a communication cell. The steps of sending include sending the message from a source within the cell to a first access point associated with the base station controller, and sending the message from a second access point to a destination within the cell. As amended, claim 1 recites that at least the first access point or the second access point re-adapts, re-schedules, or re-adapts and re-schedules the message.

The applied art, alone or in combination, is not seen to disclose or to suggest the foregoing features of claim 1, at least with respect to at least the first access point or the second access point re-adapting, re-scheduling, or re-adapting and re-scheduling the message. In this regard, re-adaptation and re-scheduling are discussed at page 18, line 22, to page 19, line 4, of the application.

Turning to the applied art, the Office Action stated that Mitts failed to disclose a second access point. Out of an abundance of caution and in view of Applicant's duty of disclosure under 37 C.F.R. 1.56, Applicant feels obliged to point out that Mitts does, in fact, discuss "a second access point." See, *inter alia*, col. 3, lines 45, 58, and 67, and AP 2 in the Figures of Mitts. In Mitts, a connection can be handed over from an old (first) access point to a new (second) access point. See col. 6, lines 15 to 18, of Mitts. This arrangement is believed to be different from the use of access points recited by claim 1. Furthermore, Applicants see nothing in Mitts that discloses or suggests claim 1's re-adaptation or re-scheduling of a message by one of the access points.

Ramasastry was cited for disclosing diversity enhancement using pseudo-multipath signals and use of multiple access. According to Applicant's understanding, Ramasastry's diversity enhancers are being equated with the claimed access points. Ramasastry does discuss amplification and delay of signals at its diversity enhancers. However, neither amplification nor delay is equivalent to claim 1's re-adaptation or re-scheduling. After careful review, Applicant does not see anything in Ramasastry to disclose or to suggest the re-adaptation or re-scheduling recited by claim 1.

In view of the foregoing, claim 1 is believed to be allowable over the applied art, and such action is respectfully requested.

Claims 2 to 13 depend from claim 1 and are believed to be allowable for at least the reasons set forth above. Claims 14 to 26 are claims directed to a base station controller that implements the methods of claims 1 to 13. Claims 27 to 39 are Beauregard-style claims directed

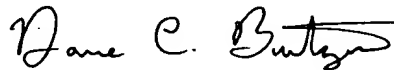
to a memory that stores instructions for performing the methods of claims 1 to 13. Accordingly, claims 14 to 39 also are believed to be allowable over the applied art.

Closing

In view of the foregoing amendments and remarks, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney can be reached at (614) 486-3585. All correspondence should continue to be directed to the address indicated below.

Respectfully submitted,



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Changes to Claims

Pursuant to 37 C.F.R. § 1.121(c)(ii), changes to any claims effected by the accompanying paper are indicated below.

Claim 1 has been amended as follows:

1. (Amended) A method, including steps of wirelessly sending a message from a base station controller, said base station controller being capable of controlling a communication cell, to at least one customer premises equipment, wherein said steps of sending include:

sending said message from a source within said cell to a first access point associated with said base station controller; and

sending said message from a second access point to a destination within said cell;

wherein at least said first access point or said second access point re-adapts, re-schedules, or re-adapts and re-schedules said message.

Claims 14 to 39 have been added.